

**FIFTEENTH DAY**

(Monday, July 1, 1968)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 28, 1968, was dispensed with and the Journal was approved.

**Motion to Dispense With  
Morning Call**

Senator Bates asked unanimous consent to dispense with the Morning Call.

There was objection.

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. B. No. 23, A bill to be entitled "An Act providing for the creation of the Moore County Hospital District over all Moore County, Texas; providing that the district shall assume any outstanding debt of Moore County, incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance,

support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; providing a severance clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Hazlewood:

S. B. No. 24, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Donley County Hospital District, coextensive with the boundaries of Donley County, Texas; defining its purposes; providing for its administration, operation, financing, taxing power and liabilities; providing said district with the authority to acquire existing publicly owned hospital facilities and providing the requirements and the authority on the part of the county, city or town owning and operating hospital facilities to transfer to said district and for the district to assume the debts for said hospital facilities; prescribing procedures; providing tax exemptions; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Creighton:

S. B. No. 25, A bill to be entitled "An Act validating proceedings relating to the adoption of a Home Rule Charter or an amendment or amendments to an existing Home Rule Charter under certain circumstances and conditions; validating proceedings for the election of a governing body of such home rule cities; validating governmental proceedings of home rule cities (except those relating to annexation); ratifying actions of governing bodies of home rule cities in calling bond elections and in the authorization, issuance and delivery of bonds, warrants, script and certificates of indebtedness or assessment; providing that this Act shall not be construed as validating any proceedings or actions the validity of which is involved in litigation on the effective date of his Act and such litigation is ultimately determined

against the validity thereof; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Creighton and Hall:

S. B. No. 26, A bill to be entitled "An Act amending the Texas Election Code by adding a new section designated as Section 44b, to provide for registration of voters in the armed forces and related services, or recently separated therefrom, and their spouses and dependents, under stated conditions; and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Brooks:

S. B. No. 27, A bill to be entitled "An Act validating all proceedings heretofore had in connection with the creation, organization and operation of Harris County Water Control and Improvement District No. 56, including but not limited to the election held in said District on May 28, 1968; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senators Moore and Kennard:

S. B. No. 28, A bill to be entitled "An Act relating to issuance of time warrants by certain independent school districts; and declaring an emergency."

To the Committee on Education.

#### Senate Concurrent Resolution 17

Senator Connally offered the following resolution:

S. C. R. No. 17, Memorializing Congress relative to the regulation of firearms.

Whereas, a recent presidential proposal requiring the total registration of firearms has been delivered to the Congress of the United States; and

Whereas, The proposal would give to the United States Treasury all-inclusive power to issue or not to issue a license; and

Whereas, Such proposal is a calculated attempt to make it as difficult as possible for any American citizen to buy guns and ammunition even though the second amendment to the Constitution of the United States guarantees the right of the American citizen to keep and to bear arms; and

Whereas, Such proposal is designed and calculated to lead to an ultimate confiscation of all firearms at any time the Federal Government would see fit to do so, either by whim or fancy, and recognizing that there is a minority who openly favor this position, most Americans are incensed that this possibility could or would arise; and

Whereas, The Justice Department, by strict enforcement of the National Firearms Act, the Federal Firearms Act, and the Crime Control and Safe Streets Act, can control the criminal use of sawed-off shotguns, machine guns; mail-order purchases of hand guns; and receipt, possession or transportation of any firearm by anyone under indictment or convicted of a felony, veterans who are other than honorably discharged, mental incompetents, aliens illegally in this country, and former citizens who renounce their citizenship; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Congress of the United States be urged not to pass laws requiring the registration of firearms such as the current presidential proposals, but rather to consider laws such as those which punish the criminal misuse of firearms and to order the strict enforcement of existing firearms statutes; and, be it further

Resolved, That a duly attested copy of this Resolution be sent immediately to the Secretary of the Senate of the United States, to the Clerk of the House of Representatives of the United States, and to each member of the Congress.

CONNALLY  
GROVER  
MOORE  
STRONG  
HARDEMAN  
BATES  
BERRY  
HALL  
WATSON

The resolution was read.

Senator Connally asked unanimous consent to suspend the regular order of business to consider the resolution immediately.

There was objection.

(Senator Hardeman in the Chair.)

Senator Connally then moved to

suspend the regular order of business to consider the resolution immediately.

The motion prevailed by the following vote:

**Yeas—24**

Aikin	Herring
Bates	Hightower
Berry	Kennard
Blanchard	Moore
Connally	Patman
Creighton	Ratliff
Grover	Reagan
Hall	Strong
Hardeman	Wade
Harrington	Watson
Harris	Wilson
Hazlewood	Word

**Nays—7**

Bernal	Jordan
Brooks	Mauzy
Christie	Schwartz
Cole	

Question on adoption of the resolution, the resolution was adopted.

**Record of Votes**

Senators Jordan, Brooks, Bernal, Christie, Schwartz and Mauzy asked to be recorded as voting "Nay" on the adoption of the above resolution.

**Senate Concurrent Resolution 18**

Senator Creighton offered the following resolution:

S. C. R. No. 18, Providing for creation of an Election Law Study Committee.

Whereas, The Texas Election Code was passed in 1951, at which time the Legislature codified the existing election laws and made certain revisions; and

Whereas, Considerable changes in the code have been made in subsequent sessions of the Legislature; and

Whereas, There still remain many conflicts, ambiguities, and inadequacies; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That an Election Law Study Committee be, and the same is hereby, authorized to begin work upon the adjournment of this First Called Session of the 60th Legislature and to continue its work and report to the 61st Legislature; and, be it further

Resolved, That the Election Law Study Committee shall be composed of five members of the House of Representatives, appointed by the Speaker; five members of the Senate, appointed by the Lieutenant Governor; and five members-at-large appointed by the Governor; said members-at-large to be composed only of individuals who are responsible for the administration of Texas Election Laws and who are experienced in the conduct of elections in counties using voting machines as well as those counties using paper ballots; and be it further

Resolved, That the Attorney General and the Executive Director of the Texas Legislative Council shall be ex-officio members of said committee; and, be it further

Resolved, That the Committee shall first be assembled at the call of the Governor and shall appoint fifteen (15) additional members, five (5) of whom shall be county clerks, five (5) of whom shall be County Tax Assessor-Collectors, and five (5) of whom shall be Chairmen of county executive committees of political parties; the Committee shall then elect from its membership a chairman, a vice-chairman, and a secretary; and, be it further

Resolved, That the staff of the Texas Legislative Council be and it is hereby requested to assist the Committee in this study; and, be it further

Resolved, That legislative members of the Committee shall be reimbursed, out of the Legislative Expense Fund of the 60th Legislature, for actual expenses, incurred while attending to the duties of the Committee; provided, however, the total of said expenses for legislative members shall not exceed Two Thousand Dollars (\$2,000.00) and, be it further

Resolved, That the Election Law Study Committee shall make a complete study of the Texas Election Code, with any amendments thereto by the 60th Legislature, and shall report its findings and recommendations not less than ninety days before the convening of the 61st Legislature.

The resolution was read.

(President in the Chair.)

Senator Creighton asked unanimous consent to suspend the regular order of business to consider the resolution immediately.

There was objection.

Senator Creighton then moved to suspend the regular order of business to consider the resolution immediately.

The motion was lost by the following vote:

**Yeas—15**

Aikin	Herring
Bernal	Hightower
Berry	Kennard
Creighton	Reagan
Grover	Strong
Hall	Watson
Harris	Word
Hazlewood	

**Nays—16**

Bates	Jordan
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Schwartz
Hardeman	Wade
Harrington	Wilson

The resolution was then referred to the Committee on Privileges and Elections.

**Senate Resolution 205**

Senator Watson offered the following resolution:

Whereas, Beginning with the year 1931 it has been the tradition for the Senate and the House of Representatives of the State of Texas to select an official Poet Laureate to represent the State; and

Whereas, In 1967, as provided by House Concurrent Resolution No. 22, of the Regular Session of the 60th Legislature, Kathleen Henry Harris of Waco was given the honor of becoming the 22nd Poet Laureate designated by the Legislature; and

Whereas, Mrs. Harris, born and reared in Waco, is the daughter of the late Mr. and Mrs. P. L. Henry and her grandparents on both sides were Texas pioneers; she is a graduate of Waco High School and attended Baylor University; she is married to Henry M. Harris, and they are the parents of two grown sons; and

Whereas, She has had more than 1,000 poems, stories, and articles published; her book of poems, "Shadows On the Sand," proved to be a popular edition; a second book of poems, "Violet Woods," is now in the hands of the publishers; much of her poetry has been heard on radio, television,

school and club programs, while some has been set to music; and

Whereas, In addition to her poetry, she has worked in drama, and has five plays to her credit; she won two first prizes, for Poetry and Adult Fiction, in the Texas Press Women Award of 1965, and second place in Article Writing; in the Christian Writers' Poetry Contest of 1962, two of her poems were ranked among the top 28 of the nation; and

Whereas, By invitation, Mrs. Harris has become a member of Centro Studi E Scambi Internazionali and Accademia Internazionale "Leonardo de Vinci," both with headquarters in Rome; also, she will be included in Dictionary of International Biography which will be published in London; and she has been included in United Poets Laureate International Society, with headquarters in the Philippines; and

Whereas, It is appropriate that the Senate of Texas of the 60th Legislature, 1st Called Session, recognize this outstanding Texas woman who has given so much to her state and nation through her talents; now, therefore, be it

Resolved, That the Senate of the State of Texas by this Resolution express appreciation and admiration for the life and service of Mrs. Kathleen Henry Harris and congratulate her on the many honors which she has received through her gifts to the literary world; and, be it further

Resolved, That Mrs. Harris be invited to address the Senate of Texas on Monday, July 1, 1968; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the Senate, be prepared for Mrs. Harris in token of the esteem and appreciation of the Senate of Texas.

The resolution was read and was adopted.

The President appointed Senators Watson, Word, Blanchard, Harrington and Reagan to escort Mrs. Kathleen Henry Harris to the President's Rotunda.

The President presented Senator Watson and he presented Mrs. Harris to the Senate.

Mrs. Harris addressed the Senate, expressing appreciation for the privilege of being a guest of the Senate and thanked them for the honor of

serving as Poet Laureate of the great State of Texas.

#### Senate Resolution 206

Senator Schwartz offered the following resolution:

Whereas, The new President of Lions International, who was elected at the 1968 Convention in Dallas, Texas, is a fourth-generation Texan, David A. Evans, of Texas City; and

Whereas, A young man, Mr. Evans was born in Texas City on February 4, 1925, and attended public schools there, graduating from Texas City Central High School in 1942; at the age of 17, he joined the army and on completing field artillery school at Fort Sill, Oklahoma, he elected to give up an officer's commission in order to enter the army specialized training program at the University of Arkansas; after completing the engineering course at the University of Arkansas, he was reassigned to an infantry division that participated in the Normandy invasion on D-Day; and

Whereas, On receiving his military discharge he returned home to Texas City, where, in 1949, he formed his own construction company, a business he has continued; he is also a partner in a commercial real estate business that is actively engaged in developing shopping centers; he is president of the Fargo International Travel Agency and is a life insurance general agent; and

Whereas, Holding both a certificate in structural engineering and an LL.B. degree, Mr. Evans is a member of the National Association of Home Builders, the National Association of Manufacturers, and the International Council of Shopping Centers; and

Whereas, He first became a member of Lions International more than 18 years ago, and has held almost every office in his home club at Texas City; he has also served as Zone Chairman, Deputy District Governor, and a 100% District Governor, from 1962 to 1964, he served as International Director, and from 1963 to 1965, he was chairman of the International Membership Committee; he holds many honors awarded for his work in Lions International, including six Presidential Awards and the coveted Ambassador of Goodwill Award; he holds a life membership in the Texas Lions Camp for Crippled Children; and

Whereas, Outside the organization of Lions International, his leadership and civic contributions have been recognized by the Continental Oil Company, which presented him with the Good Neighbor Award, and the Governor of the State of Texas, who appointed him a Pilot Commissioner; his name appears in Who's Who in Commerce and Industry, Who's Who in the South and Southwest, the International Platform Association, and the Royal Blue Book; and

Whereas, This distinguished Texan is married to the former Miss Betty Elizabeth Johnson of Texas City and they are the parents of two children, a daughter, Tanya Rene; and a son, Joe; the Evans belong to the Methodist Church in Texas City; and

Whereas, The Senate of the 60th Legislature, 1st Called Session, wishes to congratulate David A. Evans on his recent election as President of Lions International; now, therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, commend David A. Evans for his leadership and his dedicated service to his city, the state, and the nation, and for the honor which he has brought to Texas by his election to the highest office in Lions International; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the Senate, be prepared for David A. Evans in appreciation for his great service to the people of Texas.

The resolution was read and was adopted.

#### Senate Resolution 207

Senator Wilson offered the following resolution:

Whereas, Lieutenant Colonel Albert Neil Allen, U.S.M.C., will leave the United States soon to begin his second tour of duty in Vietnam in the cause of freedom; and

Whereas, Lieutenant Colonel Allen is the son of Mrs. Evelyn R. Allen of Silsbee and Athan C. Allen of Hull, and to his family, his friends and acquaintances his recent promotion to Lieutenant Colonel is the source of pride in him and admiration for him; and

Whereas, This distinguished Texan, who has served his country so valiantly was born on September 23, 1930, and attended public schools in Silsbee; he was graduated from Silsbee

High School in 1948 and from Sam Houston State College in 1952; and

Whereas, He came up through the ranks in the Marine Corps and is qualified to fly all types of fixed-wing and rotary-wing aircraft; during his last tour of duty in Vietnam he flew 106 missions as a helicopter pilot; he holds the Distinguished Flying Cross, seven Air Medals, and numerous Vietnamese decorations for gallantry in action; and

Whereas, The Senate of the 60th Legislature, now convened in 1st Called Session, wishes to congratulate Lieutenant Colonel Albert Neil Allen on his recent promotion and to commend him for the personal sacrifices he has made in the service of the United States of America; now, therefore, be it

Resolved by the Senate of the State of Texas, That this Resolution stand in tribute to a brave and gallant Texan, Lieutenant Colonel Albert Neil Allen, U.S.M.C., who is serving our great nation in the tradition of Texas heroes since the Alamo; and, be it further

Resolved, That an official copy of this Resolution, under the Seal of the Senate, be prepared for Lieutenant Colonel Allen in token of the appreciation of the Senate of the 60th Legislature and all the people of Texas, and that copies also be prepared and forwarded to his mother and his father, who can be justifiably proud of his accomplishments.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 20

Senator Kennard offered the following resolution:

S. C. R. No. 20, Granting permission to Mr. and Mrs. Fred W. Rogers, Jr., to bring suit against the City of Hurst, Texas.

Whereas, It is alleged that on or about the 24th day of May, 1968, Mrs. Fred W. Rogers, Jr. was approached by a police officer acting in the scope and authority for the City of Hurst, Texas, a municipal corporation within the State of Texas and incorporated under the laws of the State of Texas, and was threatened and assaulted by the officer acting in the scope and authority of his office with the Hurst Police Department and was later wrongfully detained, charged,

arrested, and imprisoned by this officer of the police force of the municipality of Hurst, Texas; and

Whereas, The said Mrs. Fred W. Rogers, Jr., claims that she did sustain painful and disabling injuries, both physical and mental, as a result of this assault and battery upon her person and as a result of her false imprisonment by the said police officer; and

Whereas, The said Mrs. Fred W. Rogers, Jr., joined by her husband, Mr. Fred W. Rogers, Jr., desires to bring suit against the State of Texas and the City of Hurst for the alleged damage sustained by reason of the alleged assault and battery upon Mrs. Rogers and the false imprisonment of her; and

Whereas, It is claimed that the police officer, whose alleged acts give rise to this cause of action, was acting within his scope and authority as a police officer of the City of Hurst, which is a governmental function of the City of Hurst, and therefore was acting within the scope and authority of the City of Hurst within the police powers of that city, which powers are governmental as opposed to proprietary, and consequently was acting in a capacity for the State of Texas and within the functions of a city which would be deemed to be acts as an agency of the State; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That Mrs. Fred W. Rogers, Jr., and her husband, Mr. Fred W. Rogers, Jr., be and they are hereby granted permission to bring suit in any court of competent jurisdiction in Tarrant County, Texas, against the City of Hurst, Texas, and they are hereby granted permission to file suit jointly to determine whether the alleged injuries and damages suffered by the said Mr. and Mrs. Fred W. Rogers, Jr., were due to the gross negligence or intentional actions of employees of the City of Hurst, and to fully determine the amount of damages to which said parties are entitled as a result of the claimed assault and battery and false imprisonment of Mrs. Fred W. Rogers, Jr., if any, which directly resulted from such assault and battery and false imprisonment by the employees of the City of Hurst; and, be it further

Resolved, That serving of citation and all other necessary processes may

be had upon the mayor, city manager, or any member of the city council of the City of Hurst, Texas, and that said suit be tried under the same rules of law, liability, and evidence and in like manner as similar suits instituted against private corporations are tried; and, be it further

Resolved, That such lawsuit may be brought within two years from the date of the passage of this Act; and, be it further

Resolved, That no admission of liability of the State or of the City of Hurst is made by this resolution, and the alleged facts as set out herein must be proven in court.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Reports of Standing Committee

Senator Aikin submitted the following reports:

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 20, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. H. B. No. 20 was read the first time.

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 25, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

#### Messages From the Governor

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,  
June 26, 1968.

To the Senate of the Sixtieth Legislature, First Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments (to be effective June 28, 1968):

To be a member of the State Highway Commission, to fill the unexpired term of Halbert O. Woodward, resigned, term to expire February 15, 1971: Garrett Morris of Fort Worth, Tarrant County.

To be a member of the Public Safety Commission, to fill the unexpired term of Garrett Morris, resigned, term to expire December 31, 1973: Marion T. Key of Lubbock, Lubbock County.

Respectfully submitted,  
JOHN CONNALLY  
Governor of Texas

Austin, Texas,  
June 26, 1968.

To the Senate of the Sixtieth Legislature, First Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Texas Library and Historical Commission, for six-year terms to expire September 28, 1973: Fred Hartman of Baytown, Harris County; Robert E. Davis of Waco, McLennan County.

Respectfully submitted,  
JOHN CONNALLY  
Governor of Texas.

#### Report of Standing Committee

Senator Herring, by unanimous consent, submitted the following report:

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 20, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

**Senate Concurrent Resolution 20  
Ordered Not Printed**

On motion of Senator Kennard and by unanimous consent S. C. R. No. 20 was ordered not printed.

**Senate Concurrent Resolution 20  
On Second Reading**

On motion of Senator Kennard and by unanimous consent, the regular order of business was suspended to take up for consideration the following resolution:

S. C. R. No. 20, Granting permission to Mr. and Mrs. Fred W. Rogers, Jr. to bring suit against the City of Hurst, Texas.

The resolution was read and was adopted.

**House Resolution on First Reading**

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 17, To Committee on Jurisprudence.

**Senate Resolution 210**

Senator Moore offered the following resolution:

Whereas, The Board of Directors of Texas A. & M. University has been duly constituted by Acts of the Legislature of the State of Texas; and

Whereas, The said Board of Directors has vested in it full authority by the laws of this State to govern Texas A. & M. University; and

Whereas, Programs of the highest order of excellence at Texas A. & M. University are imperative to the economic and social progress of this State; therefore, be it

Resolved, That the Senate of the State of Texas does hereby express its full concurrence in the aims, objectives and policies of the Board of Directors; and be it further

Resolved, That the Board of Directors establish whatever policies are now necessary and take appropriate action to further raise the level of excellence of programs at Texas A. & M. University equivalent to the best universities of this Nation.

The resolution was read.

(Pending discussion of the resolution by Senator Moore, the President Pro Tempore occupied the Chair.)

Question, Shall S. R. No. 210 be adopted?

**Presentation of Widows of Astronauts**

Senator Strong by unanimous consent presented the following widows of the astronauts who have been killed since the beginning of the Space Program:

Mrs. Theodore C. (Faith) Freeman; Mrs. Edward G. (Ada Eve) Givens, Jr.; Mrs. Clifton C. (Beth) Williams; Mrs. Edward H. (Patricia) White.

The guests were asked to stand and the Members of the Senate gave them a standing ovation.

The President Pro Tempore (Senator Bates) on behalf of the Senate expressed appreciation to the ladies for their presence as guests of the Senate today.

**Recess**

On motion of Senator Wilson the Senate at 11:50 o'clock a.m. took recess until 2:00 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:00 o'clock p.m. today.

**Senate Resolution 210**

The Senate resumed the consideration of the pending business, same being S. R. No. 210 with Senator Moore explaining the resolution.

Question—Shall S. R. No. 210 be adopted?

**Senate Resolution 216**

Senator Herring offered the following resolution:

Whereas, Edmunds Travis is recognized as one of the finest journalists in the Southwest and Austinites in particular are proud of the record he has made in his profession;

Whereas, Mr. Travis represents a special breed of newsman becoming increasingly scarce in our news media—one who lives and writes by a strict code of adherence to truth and of duty to the public in impartial reporting; and



Whereas, His philosophy on the obligation and responsibility of a free press is best summed up in his own words which are inscribed on the cornerstone of the old Tribune Building at the corner of Tenth and Colorado Streets in Austin:

"A free press is the protagonist and preserver of all rights, the foe and destroyer of all tyrannies. It insures every good cause a hearing and every false doctrine a challenge. It is the servant of Religion, Philosophy, Science and Art, the agent of Truth, Justice and Civilization. Possessing it no people can be held in intellectual or political bondage, without it none can be secure against any form of enslavement." and

Whereas, "Trav," as he is affectionately called by a host of friends, was honored with a testimonial dinner on March 8, 1968, which was attended by hundreds of his admirers; and

Whereas, It is the desire of the Senate to recognize his influence in the field of journalism and his many contributions to his profession; now, therefore, be it

Resolved That the Senate of Texas of the 60th Legislature, First Called Session, express its appreciation to Edmunds Travis for his outstanding career, his devotion to his profession and its advancement for more than 50 years, and for his many contributions to the City of Austin and the State of Texas; and be it further

Resolved, That the Secretary of the Senate be instructed to prepare copies of this Resolution, under the Seal of the Senate, for presentation to Edmunds Travis with the best wishes of the members of the Senate that his derby-topped figure may continue to be a familiar and symbolic sight around the Capitol complex for many years to come.

**HERRING  
GROVER**

The resolution was read and was adopted.

#### **Senate Bill 20 Re-referred**

On motion of Senator Brooks, and by unanimous consent, S. B. No. 20 was withdrawn from the Committee on Water and Conservation and re-referred to the Committee on Counties, Cities and Towns.

#### **Notice of Executive Session**

Senator Blanchard gave Notice that he would move for an Executive Session at 11:00 o'clock a.m. on Wednesday, July 3, 1968.

#### **Message From the Governor**

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
July 1, 1968.

To the Senate of the Sixtieth Legislature, First Called Session:

Pursuant to your request of July 1 I am herewith returning the following confirmations:

To be a member of the State Highway Commission, to fill the unexpired term of Halbert O. Woodward, resigned, term to expire February 15, 1971: Garrett Morris of Fort Worth, Tarrant County.

To be a member of the Public Safety Commission, to fill the unexpired term of Garrett Morris, resigned, term to expire December 31, 1973: Marion T. Key of Lubbock, Lubbock County.

Respectfully yours,  
**JOHN CONNALLY**  
Governor of Texas.

#### **Senate Resolution 219**

Senator Watson offered the following resolution:

Whereas, The Senate of Texas is honored by the presence of John Mann Gardner and Jack Gardner of McGregor, Texas; and they wish to give their services as Pages for today; and

Whereas, We wish to express our appreciation of their interest in the functions of our state government; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas; and that they be officially designated as "Pages" for the State Senate of Texas for today.

The resolution was read and was adopted.

#### **Senate Resolution 221**

Senator Watson offered the following resolution:

Whereas, One of our distinguished colleagues, Senator Roy Harrington, is to be congratulated on a recent addition to his family, the birth of Shawn David Hathaway; and

Whereas, This handsome young man, born June 20, 1968, is the son of Mr. and Mrs. Henry Hathaway of Nederland, Texas, and his beaming grandparents are Senator and Mrs. D. Roy Harrington of Port Arthur, Texas; now, therefore, be it

Resolved, That the Senate of the State of Texas extend congratulations to the proud family of this new Texas citizen, and that copies of this Resolution be prepared for little Shawn David Hathaway; his big brother, Bret; his parents, Mr. and Mrs. Henry Hathaway; and his grandparents, Senator and Mrs. D. Roy Harrington.

WATSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Wilson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House of inform the Senate that the House has passed the following:

S. C. R. No. 19, In memory of Oscar F. Holcombe.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Senate Resolution 210

The Senate resumed the consideration of the pending business, same being S. R. No. 210 with Senator Moore explaining the resolution.

Question—Shall S. R. No. 210 be adopted?

(Pending discussion by Senator Moore of S. R. No. 210, Senator Reagan occupied the Chair.)

Pending further discussion by Senator Moore of S. R. No. 210, the following Motion in Writing was submitted:

#### Motion in Writing

Mr. President and Members of the Senate:

A short time ago a story appeared in the Austin American written by Mr. Raymond Brooks, a long-time member of the Capitol Press and an astute political observer for 50 years. The story contains much material of historical value and I believe it should be incorporated into the Senate Journal. It is the story about the Senator from Tom Green entitled "Legislative Era Ends."

I ask unanimous consent to have the story printed in the Senate Journal.

Personally, I am going to miss the Senator from Tom Green.

MOORE

The Motion in Writing was read and was adopted.

Pursuant to the above Motion in Writing adopted by the Senate the following article from The Austin American of Thursday, May 9, 1968:

"With Hardeman Defeat Legislative Era Ends"

By Raymond Brooks  
Staff Writer

The Legislature's Special Session, or sessions, this year will phase out of State officialdom the last of the "Immortal 56" who withstood the battering drive of W. L. O'Daniel to put a sales tax in the Texas Constitution in the late 1930s.

Senator Dorsey B. Hardeman of San Angelo, who was a House Member during the memorable O'Daniel sales tax conflict is the last in State-wide service. His defeat by former Senator W. E. "Pete" Snelson, a Midland advertising man, will bring to an end next January 14, Senator Hardeman's long Senate tenure.

Former Governor Price Daniel was another of the group who thwarted Governor O'Daniel's plan to submit a Constitutional Amendment putting the sales tax where it could not be cancelled by simple Statute. The group varied, in denying O'Daniel the requisite 100 House votes for submission; but on the final test, when the measure mustered 94 affirmative votes, the 56 who voted "no" or absented themselves, won the lasting designation of the "Immortal 56."

It was Price Daniel's experience later to be Governor when the Legislature and the public finally decided that the State's ballooning money needs could be met only by a general sales tax, and the measure was made a primary and permanent source of tax revenue.

It was not such a close race this time, with Senator Snelson winning the nomination about 4 to 3; but Senator Hardeman went to, and stayed in the Senate, by virtue of two races as close as the famous 87-vote squeeze-in by which Lyndon Johnson went to the United States Senate.

Penrose B. Metcalfe, young Tom Green County rancher, had succeeded his father, C. B. Metcalfe, in the House, then was elected to the Senate with Hardeman, until then mayor of San Angelo, taking the Tom Green County seat in the House. Then Hardeman ran against Metcalfe and won nomination to the Senate by a margin of less than 100 votes.

After Senatorial redistricting that put first-term Senator Snelson and Hardeman in the same district in 1966, Hardeman defeated Snelson for the nomination in the new district by 61 votes.

The recurring election in two years for a Senate four-year term was because Hardeman had drawn one of the 15 two-year terms after the redistricting.

Hardeman, a lively, smiling, quick-witted and tenacious lawyer, has long since earned the undisputed title of leader of the conservatives in the upper House. He is proud of his Tennessee lineage, and of the Tennessee-Texas saga of his hero, Sam Houston.

Hardeman, as chairman of the various major committees, has exercised great power over legislative policy, and by general consent has been acknowledged one of the three or four most powerful and ablest State Senators of this century.

For a time, he was in a personal feud with the official State Bar of Texas, and sponsored bills—which he did not seriously try to pass—to abolish the official Bar. An early critic, he finally came on to sponsor the enactment of the very long, cumbersome and confusing revision of the Code of Criminal Procedure which was prepared and urged by the State Bar. That followed a controversy between Senator Hardeman and the Senate Enrolling Clerk, when an incomplete copy of the Code passed at an earlier session, had been substituted for the official copy after the Senate had passed it, with the error not discovered until after adjournment. That forced Governor Price Daniel to veto the measure on that round.

Senator Hardeman has had many personal clashes in the Legislature in effect. One minor one was when he sidetracked in committee a local fishing bill by Representative Maud Isaacks of El Paso. Such a fuss was made about that until, without even Representative Isaack's knowing it until next day, the Senate passed the fish bill finally in a "local and uncontested" bill session over which Hardeman presided.

In fact, the "local and uncontested" calendar was Hardeman's specialty. A committee was supposed to screen bills and put on that list only ones which no Senator would oppose. Hardeman always presided when the "uncontested" calendar was called, and he put the bills through final passage at the rate of one every 50 seconds.

He was a stickler for full and precise procedure. In a plan worked out by Senator Hardeman and Senate Secretary Charles Schnabel, a bill would be "laid out on second reading." Hardeman would call its number and Schnabel would read the caption—or enough to identify the bill. Hardeman would order a voice vote on engrossment, then a roll-call vote on suspension of the rules to put the bill on third reading and final passage. The roll calls, numbered as they went along were in these words: "Those in favor vote aye, those opposed vote no, as their names are called. Thirty-one ayes and no noes, the rule is suspended." Hardeman then would direct the reading of the caption on third reading and final passage, then direct another roll-call, which has handled as the first.

On some "uncontested calendars,"

as many as 150 bills were passed at a single Senate sitting. The roll-calls were to dispose finally of the bills at one time, and to make the measures effective as law, when signed by the Governor, rather than 90 days after adjournment.

One of Senator Hardeman's personal triumphs, apparently against his greatest odds, was to pass the law taking a public junior college at San Angelo and erecting it to the full four-year degree-giving Angelo State College. He shared the same pride in that as did the earlier Lieutenant Governor Allan Shivers in ramming through the bill to create Lamar Tech at Beaumont, and that of Senator Robert Baker in conveying the University of Houston (an endowed institution with a plant and land valued at \$33 million) to the State to be part of the State system and operated at State cost.

As in the case of the University of Houston, and of the donation (sponsored by former Senator George Mofett of Chillicothe) of the Act conveying the private Midwestern University at Wichita Falls to the State, the adoption of the senior institutions by the State ended State contributions to junior colleges operated by them.

#### Reports of Standing Committees

Senator Hall by unanimous consent submitted the following reports:

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 27, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CHRISTIE  
BROOKS  
RATLIFF  
WORD

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 20, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

HALL, Chairman  
CHRISTIE  
WORD

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 13, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 23, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HALL, Chairman  
CHRISTIE  
WORD

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HALL, Chairman  
CHRISTIE  
WORD

#### Senate Bill 23 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 23 was ordered not printed.

#### Senate Bill 24 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent S. B. No. 24 was ordered not printed.

#### Senate Bill 20 Ordered Not Printed

On motion of Senator Brooks and

and by unanimous consent S. B. No. 20 was ordered not printed.

#### Senate Bill 27 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent S. B. No. 27 was ordered not printed.

#### Recess

On motion of Senator Patman the Senate at 3:25 o'clock p.m. took recess until 4:30 p.m. today.

#### After Recess

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order at 4:30 o'clock p.m. today.

#### Senate Resolution 210

The Senate resumed the consideration of the pending business, same being S. R. No. 210 with Senator Moore explaining the resolution.

Question—Shall S. R. No. 210 be adopted?

#### Presentation of Guests

The Presiding Officer announced the presence in the Senate of the Honorable Bill Daniel, former Member of the House of Representatives and former Governor of Guam, Mrs. Daniel and daughter, Danny, and appointed Senators Moore, Aikin, Ratliff and Hall to escort the distinguished guests to the President's Rostrum.

The Presiding Officer presented Senator Moore and he presented Mr. Daniel to the Senate.

Mr. Daniel addressed the Senate expressing appreciation for the honor extended to him and his family. He further stated that it was a distinct pleasure to visit with the many Members he had served with in the Legislature and other friends and complimented the Members on the good work they were doing.

The Presiding Officer then presented Mrs. Daniel and daughter Danny to the Members of the Senate.

(President in the Chair.)

#### Resolution Signed

The President signed in the pres-

ence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 19, Memorial resolution for Oscar R. Holcombe.

#### Senate Resolution 210

The Senate resumed the consideration of the pending business, same being S. R. No. 210, with Senator Moore explaining the resolution.

Question—Shall S. R. No. 210 be adopted?

Pending discussion by Senator Moore of the resolution, Senator Cole moved the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

The motion was lost.

#### Motion to Place House Bill 11 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business to take up for consideration at this time H. B. No. 11 on its second reading and passage to third reading.

There was objection.

#### Senate Concurrent Resolution 21

Senator Cole by unanimous consent offered the following resolution:

S. C. R. No. 21, Extending congratulations and appreciation to Sam Tutt Cook on his retirement as head of the Houston Legal Aid Society.

Whereas, A distinguished attorney of Houston, Texas, Sam Tutt Cook, is retiring as head of the city's Legal Aid Society; and

Whereas, To Houston's poor, the 69-year-old lawyer is the man who kept "equal justice under the law" from being only a one-way promise; and

Whereas, Before beginning his career as a lawyer, Sam Cook was a renowned musician, who, during his convalescence from serious wounds received while a soldier in World War I, drew the attention of Ignace Paderewski, the world-famous musician and premier of Poland; and

Whereas, After Paderewski arranged for Cook to receive violin lessons from an excellent French teacher, young Sam returned home to tour the United States as a virtuoso violinist; and

Whereas, Although he enjoyed tre-

mendous success in the music world, Cook began to consider pursuing another career. At the suggestion of District Judge Ewing Boyd of Houston, he entered law school, teaching the violin during the day and attending law school at night; and

Whereas, After graduating in 1931, he embarked on a successful legal career; while serving as assistant district attorney, he became deeply interested in the problems of the poor and resolved to start a legal aid society as a refuge for those unable to afford legal counsel, although desperately in need of help; and

Whereas, His dream became reality in 1948 when the Legal Aid Society was established, and in 1966 this group merged with the Houston Legal Foundation to continue their highly acclaimed programs. Cook, who had served as head of the Foundation since its inception, now became senior staff attorney, consultant to the foundation, and chief counsel; even after retirement he plans to continue his guidance as a consultant; and

Whereas, When he was honored by his colleagues at a recent luncheon, Sam Cook had but one request—that his fellow lawyers carry on his work with the poor people; he has been an outstanding example of those who would rather work for the promotion of equality and justice than for mere material gain; now, therefore, be it

Resolved, That the Senate of the 60th Legislature, 1st Called Session, commend Sam Tutt Cook, who has served his community and the State of Texas as an unselfish and judicious leader; and, be it further

Resolved, That a copy of this Resolution, under the Seal of the Senate, be prepared for this distinguished gentleman as a token of the Senate's appreciation for his exceptional service and accomplishments.

The resolution was read.

On motion of Senator Cole, and by unanimous consent the resolution was considered immediately, and was adopted.

#### Senate Resolution 210

The Senate resumed the consideration of the pending business, same being S. R. No. 210, with Senator Moore explaining the resolution.

Question—Shall S. R. No. 210 be adopted?

The resolution was then adopted.

#### Motion to Adjourn

Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

#### Yeas—13

Aikin	Mauzy
Creighton	Moore
Hall	Patman
Hardeman	Ratliff
Harrington	Watson
Hazlewood	Word
Hightower	

#### Nays—18

Bates	Harris
Bernal	Herring
Berry	Jordan
Blanchard	Kennard
Brooks	Reagan
Christie	Schwartz
Cole	Strong
Connally	Wade
Grover	Wilson

#### Motion to Reconsider the Vote by Which Committee Substitute House Bill 1 Failed to Pass to Third Reading

Senator Wade moved to reconsider the vote by which C. S. H. B. No. 1 failed to pass to third reading on Friday, June 28, 1968, under Senate Rule 60 (he having voted on the prevailing side).

The motion to reconsider prevailed by the following vote:

#### Yeas—16

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Schwartz
Cole	Strong
Connally	Wade
Grover	Wilson

#### Nays—15

Aikin	Mauzy
Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Watson
Hazlewood	Word
Hightower	

**Committee Substitute  
House Bill 1 on Second Reading**

The President laid H. B. No. 1 before the Senate on its second reading and passage to third reading (the bill having been read the second time on Thursday, June 27, 1968).

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Senator Moore raised the Point of Order that a House Bill could only be considered on a House Bill day and since Mondays and Tuesdays are Senate Bill days, H. B. No. 1 could not be considered today.

The President sustained the Point of Order.

**Senate Bill 1 on Second Reading**

The President laid before the Senate on its second reading and passage to engrossment S. B. No. 1 (the bill having been read the second time on Tuesday, June 25, 1968, and again laid before the Senate on Friday, June 28, 1968).

Question—Shall S. B. No. 1 be passed to engrossment?

Senator Moore raised the Point of Order that S. B. No. 1 could not be considered as the House had defeated a bill containing the same subject matter today.

The President over-ruled the Point of Order as the Senate had no official notice of the action.

Pending discussion by Senator Bates of the bill, Senator Word moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

**Yeas—15**

Aikin	Hightower
Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Watson
Hazlewood	Word
Herring	

**Nays—16**

Bates	Berry
Bernal	Brooks

Christie	Kennard
Cole	Mauzy
Connally	Schwartz
Grover	Strong
Harris	Wade
Jordan	Wilson

Senator Word offered the following amendment to the bill:

Amend S. B. No. 1 by striking from the bill line No. 19 of the printed bill.

The amendment was read.

Senator Bates offered the following substitute for the pending amendment by Senator Word:

Strike everything below the enacting clause of Senate Bill No. 1 and substitute the following:

Section 1. Article I, Texas Liquor Control Act (Article 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 15f to read as follows:

"Section 15f. The Board or the Administrator may not issue or renew a Private Club Registration Permit for any premises located in an area that is 'dry,' as that term is defined in Section 23, Article I of this Act, as to each and every type of alcoholic beverage. The Board or the Administrator shall immediately cancel any Private Club Registration Permit upon finding that the private club is located in an area that is 'dry,' as that term is defined in Section 23, Article I of this Act, as to each and every type of alcoholic beverage as a result of a valid local option election."

Section 2. Subdivision (f), Subsection 7, Section 15e, Article I, Texas Liquor Control Act (Article 666-15e, Vernon's Texas Penal Code), is repealed. All other laws and parts of laws in conflict with any provision of this Act are repealed to the extent of the conflict.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional

Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Pending discussion by Senator Bates of the substitute amendment, Senator Watson raised the Point of Order that the amendment by Senator Bates was not a proper substitute for the amendment by Senator Word.

The President over-ruled the Point of Order.

Question — Shall the substitute amendment by Senator Bates for the amendment by Senator Word be adopted?

Pending discussion by Senator Blanchard of the substitute amendment, Senator Watson moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—13

Aikin	Hightower
Blanchard	Moore
Creighton	Patman
Hall	Ratliff
Harrington	Watson
Harris	Word
Hazlewood	

Nays—16

Bates	Jordan
Bernal	Kennard
Brooks	Mauzy
Christie	Reagan
Cole	Schwartz
Grover	Strong
Hardeman	Wade
Herring	Wilson

Absent

Berry	Connally
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(Pending further discussion by Senator Blanchard of the substitute amendment, Senator Herring occupied the Chair.)

(President in the Chair.)

(Pending further discussion by Senator Blanchard of the substitute

amendment, Senator Brooks occupied the Chair.)

Question — Shall the substitute amendment by Senator Bates for the pending amendment by Senator Word be adopted?

Report of Standing Committee

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,  
July 1, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman  
KENNARD  
AIKIN  
RATLIFF  
REAGAN  
MAUZY  
BLANCHARD  
JORDAN

Senate Bill 28 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 28 was ordered not printed.

Senate Bill 1 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 1 with a substitute amendment by Senator Bates for an amendment by Senator Word pending.

Question — Shall the substitute amendment by Senator Bates for the pending amendment by Senator Word be adopted?

(Pending discussion by Senator Blanchard of the substitute amendment, Senator Aikin occupied the Chair.)

(President in the Chair.)

Pending further discussion by Senator Blanchard of the substitute amendment by Senator Bates for the pending amendment, Senator Watson moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.



The motion to adjourn was lost by the following vote:

## Yeas—11

Aikin	Moore
Blanchard	Patman
Creighton	Reagan
Hall	Watson
Hazlewood	Word
Hightower	

## Nays—18

Bates	Harris
Bernal	Herring
Berry	Jordan
Brooks	Kennard
Christie	Mauzy
Cole	Schwartz
Connally	Strong
Grover	Wade
Harrington	Wilson

## Absent

Hardeman	Ratliff
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On motion of Senator Word, and by unanimous consent, he withdrew his pending amendment.

Senator Bates offered the following amendment to the bill:

Strike everything below the enacting clause of Senate Bill No. 1 and substitute the following:

Section 1. Article I, Texas Liquor Control Act (Article 666-1 through 666-57, Vernon's Texas Penal Code), is amended by adding a new Section 15f to read as follows:

"Section 15f. The Board or the Administrator may not issue or renew a Private Club Registration Permit for any premises located in an area that is 'dry,' as that term is defined in Section 23, Article I of this Act, as to each and every type of alcoholic beverage. The Board or the Administrator shall immediately cancel any Private Club Registration Permit upon finding that the private club is located in an area that is 'dry,' as that term is defined in Section 23, Article I of this Act, as to each and every type of alcoholic beverage as a result of a valid local option election."

Section 2. Subdivision (f), Subsection 7, Section 15e, Article I, Texas Liquor Control Act (Article 666-15e, Vernon's Texas Penal Code) is repealed. All other laws and parts of laws in conflict with any provision of this Act are repealed to the extent of the conflict.

Section 3. If any provision of this

Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote:

## Yeas—17

Aikin	Harrington
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Brooks	Mauzy
Christie	Schwartz
Cole	Watson
Connally	Wilson
Grover	

## Nays—12

Blanchard	Moore
Creighton	Patman
Hall	Reagan
Harris	Strong
Hazlewood	Wade
Herring	Word

## Absent

Hardeman	Ratliff
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Question on passage of the bill (S. B. No. 1), as amended, to engrossment, "Yeas" and "Nays" were demanded.

The bill, as amended, was passed to engrossment by the following vote:

## Yeas—16

Aikin	Cole
Bates	Connally
Bernal	Grover
Berry	Harrington
Brooks	Hightower
Christie	Jordan

Kennard  
MauzySchwartz  
Watson

Nays—13

Blanchard  
Creighton  
Hall  
Harris  
Hazlewood  
Herring  
MoorePatman  
Reagan  
Strong  
Wade  
Wilson  
Word

Absent

Hardeman

Ratliff

## Senate Resolution 225

Senator Strong offered the following resolution:

BE IT RESOLVED that the Senate of the State of Texas, Sixtieth Legislature, First Called Session, does hereby recall from the House of Representatives H. B. No. 2, and does hereby instruct the Sergeant-at-Arms of the Senate to locate said bill, obtain possession of it and deliver it to the Secretary of the Senate forthwith.

The resolution was read.

Senator Aikin raised the Point of Order that the resolution was not a proper procedure.

The President sustained the Point of Order.

## Motion in Writing

Senator Strong submitted the following Motion in Writing:

Mr. President:

Having voted on the prevailing side and this being the next succeeding day of actual session after the legislative day during which H. B. 2 was finally passed, I respectfully move to reconsider the vote by which H. B. 2 was finally passed. I further request that this motion to reconsider the vote by which H. B. 2 was finally adopted be spread on the Journal to be called up and acted on upon request.

Mr. President, I move that H. B. 2 be returned to the Senate so that the Senate may consider the motion to reconsider the vote by which said H. B. 2 was finally passed and request that the House of Representatives of the State of Texas honor this motion by returning the same forthwith.

The Motion in Writing was read.

Senator Herring raised the Point of Order that the last action taken by the Senate on H. B. No. 2 was to grant the Request of the House for a Conference Committee.

The President sustained the Point of Order.

Senator Aikin raised the further Point of Order that H. B. No. 2 was not in the possession of the House therefore a motion to recall the bill from the House was not a proper motion.

The President sustained the Point of Order.

Senator Strong then moved to reconsider the vote by which the Senate granted the Request of the House for a Conference Committee on H. B. No. 2.

The President stated that this was not a proper motion at this time.

## Senate Resolution 226

Senator Strong offered the following resolution:

BE IT RESOLVED that the Senate of the State of Texas, Sixtieth Legislature, First Called Session, does hereby request the House of Representatives to return to the Senate H. B. No. 2, in order that the Senate may reconsider the vote by which H. B. 2 was finally passed.

The resolution was read.

Senator Hardeman raised the Point of Order that a motion to reconsider under Senate Rule 60 must be on the same day a vote is taken or on the next Legislative Day, therefore the resolution was out of order.

The President over-ruled the Point of Order.

Question—Shall S. R. No. 226 be adopted?

Pending discussion by Senator Strong of the resolution, Senator Patman moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion to adjourn was lost by the following vote:

Yeas—14

Aikin

Cole

Creighton  
Hardeman  
Hazlewood  
Herring  
Hightower  
Moore

Patman  
Ratliff  
Reagan  
Wade  
Watson  
Word

#### Nays—17

Bates  
Bernal  
Berry  
Blanchard  
Brooks  
Christie  
Connally  
Grover  
Hall

Harrington  
Harris  
Jordan  
Kennard  
Mauzy  
Schwartz  
Strong  
Wilson

Question on the adoption of the resolution, "Yeas" and "Nays" were demanded.

The resolution failed of adoption by the following vote:

#### Yeas—15

Bernal  
Berry  
Blanchard  
Brooks  
Connally  
Grover  
Hall  
Harrington

Harris  
Jordan  
Kennard  
Mauzy  
Schwartz  
Strong  
Wilson

#### Nays—16

Aikin  
Bates  
Christie  
Cole  
Creighton  
Hardeman  
Hazlewood  
Herring

Hightower  
Moore  
Patman  
Ratliff  
Reagan  
Wade  
Watson  
Word

#### Senate Bill 8 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 8, A bill to be entitled "An Act authorizing creation of the Dickens County Hospital District; providing that the district shall assume any outstanding debt of Dickens County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; providing for an election within the area of the proposed hospital district and making certain findings in connection therewith; providing for the operation and financing of said district, including

the procedures it is to follow; providing a severability clause; and declaring an emergency."

The bill was read the second time.

Senator Christie raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

#### Senate Bill 10 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 10, A bill to be entitled "An Act amending Acts 1961, 57th Legislature of the State of Texas, Regular Session, Chapter 349, by providing for power to purchase and sell necessary land, buildings, supplies, and equipment and methods of purchase; providing methods of disbursing funds; and declaring an emergency."

The bill was read the second time.

Senator Christie raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

#### Senate Bill 21 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act relating to the authority of certain counties to enlarge, furnish, equip, operate, and lease parking stations; amending Section 1, Chapter 168, Acts of the 59th Legislature, Regular Session, 1965 (Article 2372s, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read the second time.

Senator Christie raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

#### Senate Bill 15 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 15, A bill to be entitled

"An Act excluding land from Galveston County Water Control and Improvement District No. 21 of Galveston County, Texas, finding proof of publication of notice and declaring an emergency."

The bill was read the second time.

Senator Christie raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

#### Senate Bill 14 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 14, A bill to be entitled "An Act validating all proceedings and acts of the governing bodies of all cities and towns incorporated under the general laws of Texas; providing certain limitations as to the application of the Act; providing a saving clause; and declaring an emergency."

The bill was read the second time.

Senator Christie raised the Point of Order the bill was not in the Governor's Call.

The President sustained the Point of Order.

#### Committee Substitute House Bill 1 on Second Reading

The President laid before the Senate on its second reading and passage to third reading C. S. H. B. No. 1 (the bill having been read the second time on Thursday, June 27, 1968).

Question—Shall C. S. H. B. No. 1 be passed to third reading?

Senator Patman offered the following amendment to the bill:

Amend H. B. No. 1 by adding a new section immediately preceding the final section of said H. B. 1 to read as follows:

Sec. —. No member of the Legislature may at any time during his term of office appear for compensation before the Liquor Control Board as attorney or in any other representative capacity for any person, firm or corporation being heard by the Board unless and until he files an affidavit supplied by the Board to this effect and makes a full disclosure of

whom he is representing and that he is being compensated for same. These records shall be a matter of public record with the Board.

Question—Shall the amendment by Senator Patman to H. B. No. 1 be adopted?

#### Memorial Resolutions

S. R. No. 201—By Senator Watson: Memorial resolution for Mrs. J. J. (Virginia) Youngblood. (Amended.)

S. R. No. 211—By Senator Watson: Memorial resolution for Dr. Joseph R. Kubala.

S. R. No. 212—By Senator Watson: Memorial resolution for Mrs. Don S. Caldwell.

S. R. No. 224—By Senator Hazlewood: Memorial resolution for the Honorable W. M. (Bill) Adams.

#### Welcome and Congratulatory Resolutions

S. R. No. 199—By Senator Watson: Extending welcome and privileges of the floor for the day to John Mann Gardner and Jack Gardner.

S. R. No. 202—By Senator Aikin: Extending welcome to Mr. and Mrs. Herbert Harman, et al.

S. R. No. 203—By Senator Hall: Extending welcome to Mrs. Monte Simpson and sons.

S. R. No. 204—By Senator Mauzy: Extending welcome to David Keeler, et al.

S. R. No. 209—By Senator Brooks: Extending congratulations to Hale B. Ingram and Jerrol P. Lowe on receipt of the Carnegie Bronze Hero Medal.

S. R. No. 213—By Senator Watson: Extending welcome and privileges of the floor for the day to Mrs. Kathleen Henry Harris.

S. R. No. 214—By Senator Watson: Extending welcome and privileges of the floor for the day to Miss Bobby Barnes.

S. R. No. 215—By Senator Watson: Extending welcome and privileges of the floor for the day to Bob Davis and Tony Duty.

S. R. No. 218—By Senator Herring: Extending congratulations to

W. Price, Jr., on his selection to Hospitality Magazine's "Hall of Fame."

S. R. No. 220—By Senator Harrington: Extending welcome and privileges of the floor for the day to Brad Kilpatrick.

S. R. No. 222—By Senator Brooks: Extending congratulations to Jack Harris, Ray Miller and Staff of KPRC-TV Series "Dialogue: Houston, 1968."

S. R. No. 223—By Senator Watson: Extending welcome to Mr. and Mrs. Allen Weed.

### Adjournment

Senator Word moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn. "Yeas" and "Nays" were demanded.

The motion to adjourn prevailed by the following vote:

#### Yeas—17

Aikin	Hightower
Bates	Mauzy
Blanchard	Moore
Connally	Patman
Creighton	Ratliff
Hall	Reagan
Hardeman	Watson
Harrington	Word
Hazlewood	

#### Nays—14

Bernal	Grover
Berry	Harris
Brooks	Herring
Christie	Jordan
Cole	Kennard

Schwartz  
Strong

Wade  
Wilson

Accordingly, the Senate at 7:45 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

### Communication From Texas Education Agency

The following communication received from Texas Education Agency was referred to the Committee on Nominations.

### TEXAS EDUCATION AGENCY

July 1, 1968.

Honorable Preston Smith  
Lieutenant Governor  
Senate Chamber  
Capitol Station  
Austin, Texas 78711

Dear Governor Smith:

The State Board of Education, at its meeting on July 1, 1968, reappointed Mr. Sam D. Young, Jr., of El Paso as a member of the Board of Trustees of the Teacher Retirement System.

This appointment is for a six-year term beginning September 1, 1967 and ending August 30, 1973.

The Board respectfully submits this appointment for confirmation by the Senate.

Very truly yours,

J. W. EDGAR

Commissioner of Education

cc: Dr. W. W. Jackson  
Chairman  
State Board of Education  
2136 West Summit  
San Antonio, Texas 78201

## In Memory of Oscar F. Holcombe

Senator Cole offered the following resolution:

(Senate Concurrent Resolution 19)

Whereas, Flags were lowered to half-mast Wednesday as the City of Houston paid tribute to Oscar F. Holcombe, the man who led the city for 22 years as mayor; and

Whereas, The interesting and distinguished life of this esteemed gentleman, who died at the age of 79, ended Tuesday, June 18, 1968; and

Whereas, He moved to Houston from San Antonio more than 60 years ago; three years later he married the former Mamie Gray Miller of Houston; he ran for mayor of Houston at the age of 32, and during his successful campaign he was affectionately called "The Old Gray Fox," the nickname which he kept throughout this long and fruitful life; he spent 11 two-year terms at the head of Houston's city government, serving longer in this capacity than any other man; and

Whereas, He was one of those rare individuals who was successful both in politics and administration: he provided much of the leadership which enabled Houston to become one of the great cities of the nation; he instigated many of the thousands of additions to the city's phenomenal growth—from a population of 150,000 to nearly a million in 35 years—among which are City Hall; the Coliseum; his conception of the civic center; the Gulf Freeway; Memorial Drive; Herman Park Zoo; the Houston Independent School District; and the Port Commission; and he was greatly responsible for Houston's area growth—when he took office in 1921 the boundaries of the city encompassed 34 square miles and when he retired 10 years ago, it covered 352 square miles; and

Whereas, His role in this growth prompted an eloquent remark by one of his political opponents, former Mayor C. A. Neal Pickett: "His vision of a great city never dimmed, and he encouraged many young men and women, years ago, to dream of the great metropolis we have today. He did more than his part in making the people conscious of the greatness that was to be Houston's"; and

Whereas, A grateful city and state mourn this unusual and outstanding man's death, and acknowledge an indebtedness to him for leadership and service which probably never again will be equaled; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the 60th Legislature, 1st Called Session, by this Resolution show honor and respect to this distinguished citizen and extend deep sympathy to the members of his family on their great loss: to his wife, Mamie Gray Miller Holcombe; his daughter, Mrs. H. M. Crosswell; three grandsons, O. Holcombe Crosswell, Markley Crosswell III, and David Crosswell; and four great-grandchildren; and, be it further

Resolved, That copies of this Resolution be prepared for his family, and that when the Senate and the House adjourn this day, they do so in memory of Oscar F. Holcombe.

COLE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Connally, Creighton, Grover, Hall, Hardeman, Harrington, Harris, Haslewood, Herring, Hightower, Jordan, Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Brooks and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of  
**Charles N. Bustin, Jr.**

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Senator Herring offered the following resolution:

(Senate Resolution 198)

Whereas, In the passing of Charles N. Bustin, Jr. on June 17, 1968, at the age of 76, the City of Austin lost a prominent and popular citizen; and

Whereas, Mr. Bustin, a native of Austin, was associated with the Austin National Bank for 41 years and in 1960 became vice president of the Bank of Austin, a position he occupied at the time of his death; and

Whereas, He was prominent in the business affairs of Austin and was active in the Austin Chamber of Commerce and was credited with recruiting over 600 new members. He was a former mayor of Sunset Valley community, a member of the South Austin Rotary Club and the South Austin Civic Club. A staunch supporter of law enforcement agencies, Mr. Bustin was an honorary member of the Austin Police Department and the Travis County Sheriff's Department; and

Whereas, Mr. Bustin was a man of integrity whose counsel was frequently sought because of his sound judgment and sympathetic understanding, and he will be long remembered for his dedicated services to Austin and its citizens; and

Whereas, He is survived by his wife, Mrs. Grace Bustin; a son and daughter, John C. Bustin and Mrs. Andrew Granger; two sisters and a brother, Mrs. O. B. Newton, Mrs. M. H. Goldsmith and Ed E. Bustin; and five grandchildren, all of Austin; and

Whereas, It is the desire of the Senate to honor the memory of this outstanding citizen and to extend sympathy to the members of his family; now, therefore, be it

Resolved, That the Senate of the State of Texas, of the 60th Legislature, First Called Session, by this Resolution express deep sympathy to the members of his family; that copies of this Resolution under the Seal of the Senate of Texas be prepared for his family; that a page in the Senate Journal be set aside for the recording of this Resolution; and be it further

Resolved, That when the Senate adjourns today it do so in honor of Charles N. Bustin, Jr.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Lloyd Wicks**

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Senator Blanchard offered the following resolution:

(Senate Resolution 200)

Whereas, Our State lost one of its fine and outstanding citizens with the death of Lloyd Wicks; and

Whereas, He attended the University of Michigan and graduated from the Chicago Law Institute; and

Whereas, in 1908 he came to Texas and opened his law office; and

Whereas, He was the last surviving charter member of the Crosby Masonic Lodge No. 1020, serving as the first worshipful master, a position he held four times; and

Whereas, He was a charter member of the Rotary Club, active in the Boy Scouts, and a member of Ralls Methodist Church; and

Whereas, He is survived by three sons, Lloyd, Jr. of Ralls, S. E. of Phoenix, Arizona and W. W. of Dallas, and four grandchildren and four great-grandchildren; and

Whereas, It is the desire of the Senate to honor the memory of Mr. Wicks and to express its sympathy to the surviving members of his family; now, therefore, be it

Resolved, That this Resolution be spread upon the Journal of the Senate and that copies thereof be forwarded to the surviving members of the family of Mr. Wicks, under the Seal of the Senate, by the Secretary of the Senate, and that when the Senate adjourns today, it do so in memory of Mr. Wicks.

BLANCHARD

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harde-  
man, Harrington, Harris, Hazlewood, Herring, Hightower, Jordan,  
Kennard, Mauzy, Moore, Patman, Ratliff, Reagan, Schwartz, Strong,  
Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Strong and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimous adopted by a rising vote of the Senate.



## In Memory of David Read

Senator Wilson offered the following resolution:

(Senate Resolution 208)

Whereas, A former member of the Texas House of Representatives and a beloved and highly respected member of the fourth estate, David Read, co-owner and publisher of "The Silsbee Bee," Silsbee, Texas, is mourned by friends, colleagues, and associates after his death on Sunday, June 2, 1968; and

Whereas, Mr. Read was a native of Silsbee, where he was born on September 14, 1905; he attended schools in Silsbee, and was a graduate of Silsbee High School and Port Arthur College; and

Whereas, After earlier employment as a postal clerk, Mr. Read became affiliated with the "Bee" in March of 1933, when he bought an interest in the paper; in November of the same year, he became full owner; and

Whereas, When the city was attempting to incorporate in 1938, Mr. Read, who was serving as city secretary at the time, made a diligent search of old papers and records and discovered that Silsbee had been incorporated 20 years before, that the only action necessary for a fully powered, functioning city government was the election of officers; and

Whereas, In addition to his newspaper work, Mr. Read was always active in the local and state political scene: in 1945 and 1947 he served terms in the Texas House of Representatives, and he is credited with starting the movement that led to country-wide passage of stock laws which prevented livestock from roaming the highways; he was co-sponsor of a bill making Lamar Technological College a four-year college and another measure which resulted in the Texas Farm-to-Market Road System; and

Whereas, He was a member of the Silsbee School Board of Trustees at the time when Read-Turrentine and Kirby Elementary schools were built, and actively promoted the construction of these new schools; and

Whereas, A gentle and compassionate man, Mr. Read was known and esteemed by presidents of the United States, by his fellow citizens, and by outstanding business and industrial leaders as well as the workers they employed; many from all walks of life sought his help and advice, and he cherished each of the many friendships he acquired through the years; and

Whereas, To people of Silsbee, David Read was a giant in the community who worked as long as he was able for Silsbee, his weekly column, "Silsbee Slugs," so closely identified with the humanitarian outlook and the sincerity which this distinguished newspaperman typified, was eagerly awaited and, for most subscribers it was the first article in the newspaper to be read; and

Whereas, Mr. Read was a charter member and secretary for 20 years of the Hardin County Wildlife Association, a charter member and past president of the Silsbee Kiwanis Club, charter member and past secretary of the Silsbee Chamber of Commerce, and a past president of the Texas Gulf Coast Press Association; and

Whereas, He was a member of Silsbee Masonic Lodge 927, El Mina Shrine Temple of Galveston, Sigma Delta Chi professional journalism fraternity, and the First United Methodist Church of Silsbee; and

Whereas, The Senate of the State of Texas wishes to recognize the life and service of David Read and to extend sympathy to the members of his family on their great loss: to his wife, Mrs. Helen Read, and a son, Tommy Read, both of Silsbee; four brothers, John P. Read of St. Paul, Minnesota, W. A. Read of Beaumont, J. R. Read of Port Arthur, and R. L. Read of Silsbee; and five grandchildren; and be it further

Resolved, That official copies of this Resolution be prepared for the members of his family, and that when the Senate adjourns this day, it do so in memory of former Representative David Read.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**  
**Carl M. Mayer**

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Senator Herring offered the following resolution:

(Senate Resolution 217)

Whereas, In the passing of Carl M. Mayer on the eighth day of March, 1968, at the age of 76, the City of Austin suffered the loss of a prominent citizen and member of an old Austin family; and

Whereas, Mr. Mayer was the owner of Carl Mayer Store, a widely-known jewelry firm begun by his father and which he joined in 1910; and

Whereas, He was a member of Scottish Rite Masonic Bodies and Ben Hur Shrine Temple; he was a 33rd Degree Mason and a member of Hill City Lodge No. 456, AF&AM, for more than fifty years; and

Whereas, Mr. Mayer is survived by his widow, Mrs. Else Mayer of Austin; three daughters, Mrs. David V. Anderson, of Denver, Colorado, Mrs. Walter E. Sjoberg, Jr. of Austin, and Miss Margaret Mayer, well-known writer who formerly covered the Texas Legislature for the Dallas Times Herald before joining their Washington staff; two sisters, Mrs. Robert Mueller, Sr. and Miss Emilie Mayer of Austin; and

Whereas, It is the desire of the Senate to honor the memory of Carl M. Mayer and to express sympathy to his family in their loss; now, therefore, be it

Resolved, That the Senate of Texas, 60th Legislature, First Called Session, by this Resolution expresses deep sympathy to the members of his family; that copies of this Resolution, under the Seal of the Senate, be prepared for them; and that a page in the Senate Journal be set aside for the recording of this Resolution; and be it further

Resolved, That when the Senate adjourns today it do so in memory of Carl M. Mayer.

The resolution was read and was adopted by a rising vote of the Senate.